

State of Hawaii
Department of Land & Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Incidental Take License No. ITL-12
Date of Issue: _____
Valid Until: 20 years from date of issue

INCIDENTAL TAKE LICENSE

to accompany:

**Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan
TMK 4-8-001:001 and 3-6-001:014, Ukumehame, Maui, Hawai'i**

The Board of Land and Natural Resources hereby grants permission under the authority of §195D-4(g) Hawaii Revised Statutes and all other applicable laws, to:

Kaheawa Wind Power II, LLC
3000 Honoapiilani Highway
Wailuku, Hawaii 96793

To: take of (if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity);

The following species:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Mitigation Tier *</u>	<u>Annual Take Limit *</u>	<u>Five (5) year Take Limit *</u>	<u>Twenty (20) year Take Limit *</u>	<u>Location</u>
`ua`u, or "Hawaiian petrel"	<i>Pterodroma sandwichensis</i>	Baseline	7	13	29	Lands leased or otherwise controlled by Kaheawa Wind Power II, LLC on the Island of Maui (TMK# 4-8-001:001 and 3-6-001:014)
		Higher	13	20	44	
`a`o or "Newell's shearwater"	<i>Puffinus auricularis newelli</i>	Baseline	6	9	14	
		Higher	9	13	21	
nēnē or "Hawaiian goose"	<i>Branta sandvicensis</i>	Baseline	5	9	21	
		Higher	7	15	30	
`ope`ape`a or "Hawaiian Hoary bat"	<i>Lasiurus cinereus semotus</i>	Baseline	7	18	21	
		Higher	14	21	32	

* See Special Conditions #1-4.

Subject to the following conditions:

I. GENERAL CONDITIONS

1. This license only authorizes the permittee to conduct incidental take of *Pterodroma sandwichensis*, *Puffinus auricularis newelli*, *Branta sandvicensis* and *Lasiurus cinereus semotus* on the lands leased or otherwise controlled by Kaheawa Wind Power II, LLC (TMK 4-8-001:001 and 3-6-001:014) at the time this license is issued pursuant to the "Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, TMK 4-8-001:001 and 3-6-001:014, Ukumehame, Maui, Hawai'i" dated _____ (hereafter "HCP") and the "Implementing Agreement for the "Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, TMK 4-8-001:001 and 3-6-001:014, Ukumehame, Maui, Hawai'i"(hereafter "IA").
2. This license is valid only if Kaheawa Wind Power II, LLC abides by the terms and conditions of the HCP and IA for the duration of the HCP.
3. This license is valid for species protected by federal law only if accompanied by proper federal permits. Permit number for the required permit must be provided:
USFWS 10(a)(1)(B) permit no. _____
4. This license shall become valid upon completion of the following:
 - i. A legal representative of Kaheawa Wind Power II, LLC has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment 1, which is attached hereto and made a part of this license.
 - ii. Both copies of the signed license must be returned to the Division of Forestry and Wildlife. Upon approval by the Chairperson of the Board of Land and Natural Resources, a copy of the license will be returned to the applicant.
5. The Board may suspend or revoke this license if the HCP is suspended or revoked. The Board may also suspend or revoke this license in accordance with applicable laws and regulations in force during the term of the license.

II. SPECIAL CONDITIONS

1. The allowable incidental take authorized by this license for the covered species includes observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for the covered species will be calculated according to adjustments made to the observed direct take according to methods detailed in the HCP, including but not limited to adjustments to include unobserved and indirect take.
3. The incidental take authorized by this license for the covered species are defined by two tiered levels, each of which is identified in the HCP. In the event that the take level for a covered species is reached, incidental take at the tier 2 level is authorized, provided that Kaheawa Wind Power LLC abides by the terms and conditions of the HCP for the tier 2 level.
4. DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

Laura Thielen, Chairperson
Board of Land and Natural Resources

cc: DOFAW Maui Branch
DOCARE
USFWS Pacific Islands Office, Honolulu
Senior Resident Agent, USFWS-Law Enforcement, Honolulu

Attachment No. 1 to INCIDENTAL TAKE LICENSE No. ITL-12

The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 4 in INCIDENTAL TAKE LICENSE No. ITL-12.

By: _____

Dave Cowan, Kaheawa Wind Power LLC

Date: _____

DRAFT